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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-------------------------------|-------------|----------------------|---------------------|------------------|
| 09/989,151 | 11/21/2001 | Toshiki Kindo | P21724 | 9437 |
| 7055 | 7590 | 01/20/2006 | EXAMINER | |
| GREENBLUM & BERNSTEIN, P.L.C. | | | THAI, HANH B | |
| 1950 ROLAND CLARKE PLACE | | | ART UNIT | |
| RESTON, VA 20191 | | | PAPER NUMBER | |
| | | | 2163 | |
| DATE MAILED: 01/20/2006 | | | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/989,151

Applicant(s)

KINDO ET AL.

Examiner

Hanh B. Thai

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2163

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on amendment filed 11/14/05.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 20 and 23-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 20 and 23-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

1. The following is a Final Office Action in response to the communication received on November 14, 2005. Independent claims 20, 25 and 26 have been amended. Claims 1-19 and 21-22 have been cancelled. Claims 20 and 23-28 are now pending in this application.

Drawings

2. The drawing filed November 14, 2005 has been considered but is not accepted and not entered into record because it contains new matter.

Response to Arguments

3. Applicant argues: “the combination of Klein and Ariyoshi fails to disclose or suggest an information distribution system which includes an information distributor which includes a first information filter that rates distribution information from a first information distribution provider based on at least one evaluation value included in a personal profile and performs a learning process that changes the evaluation values in the personal profile, and a second information filter that rates distribution information from a second information distribution provider based on the evaluation values included in the personal profile, where the second information filter does not perform a learning process based on the distribution information from the second information distribution provider.”

Examiner responds: applicant does not point to the support for the claimed limitations in the specification. Therefore, the limitations are interpreted as Klein’s disclosure of the filtering mechanism to filter the user content-based items from a domain or many domains or from many information providers based on at least one evaluation value and learning process (col.1, lines 47-63 and co.3, lines 51-54). Thus, Klein teaches the claimed feature of the distribution

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information pieces from one or many different information providers and Klein further discloses at col. 2, lines 41-48 the distributed system that transmit data to a node which corresponds to the client that must include the distribution information provider.

Furthermore, Ariyashi discloses an information filtering method including filtering, rating or evaluating keyword based on a user's past selection of distribution information containing the keyword corresponding to filtering, rating or evaluating "based on the evaluation value included in the personal profile" (abstract; summary and col. 4, lines 41-67 and col.5, lines 39-46, Ariyoshi).

Therefore, the combination of Klein and Ariyoshi discloses the claimed features of information filter that rates distribution information from a first information distribution provider based on at least one evaluation value included in a personal profile and performs a learning process.

4. Applicant argues: "there is no motivation to reasonably combine the invention disclosed in Klein's background section with Klein's claimed invention" have been fully considered but they are not persuasive.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

In this case, Klein discloses the filtering mechanism to filter the user content-based items from a domain or many domains corresponding to information providers at col.1, lines 47-63 and co.3, lines 51-54 col.4, lines 7-60 and col. 5, lines 13-27. Therefore, Klein teaches the claimed feature of a first information filter that rates the distribution information from the first information distribution provider based on the at least one evaluation value included in the personal profile in correspondence to the keyword contained in the distribution information, sends the distribution information to the client (col. 1, lines 47-51 and col.3, line 43 to col. 4, line 6, Klein and col. 23, lines 20-28, Klein).

Driscoll discloses an information filtering system for retrieving relevant text data from a database (abstract; Fig.1; col.3, line 53 to col.4, line 27 and col. 5, lines 44-50, Driscoll). Driscoll clearly disclose the filtering of text data in the database not based on the learning process. Therefore, Driscoll discloses the second information filter does not perform a learning process.

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the combination of Klein's background and Klein's invention to include the claimed feature as taught by Driscoll. The motivation of doing so would have been to enhance the relevance retrieval of subsequent documents (abstract and col.4, lines 24-28, Driscoll).

5. Applicant's arguments regarding second filter of claims 20, 25 and 26 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 20-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Klein et al. (US 5,872,850) of record in view of Ariyoshi (US 6,408,288 B1) of record and further in view of Driscoll (US 5,717,913) new cited.

Regarding claim 20, Klein discloses an information distribution system, comprising:

- a storage section that stores a personal profile that includes at least one evaluation value of a keyword contained in distribution information provided from a first information distribution provider (col. 1, lines 47-51 and col.3, line 43 to col. 4, line 6; col. 5, lines 13-27 and col. 6, lines 3-9, Klein); and
- an information distributor that rates the distribution information provided from the first information distribution provider with the keyword based on the personal profile and sends said distribution information to a client, wherein said information distributor rates distribution information provided from a second information distribution provider with a keyword based on the personal profile and sends the distribution information to the client (col.1, lines 47-63; col.4, lines 7-60; col. 5, lines 13-27. Klein discloses the filtering mechanism to filter the user content-based items from a domain or many domains or from many information providers at col.1, lines 47-63 and col.3, lines 51-54. Therefore, Klein teaches the claimed feature of the distribution information pieces from one or many different information providers and Klein further discloses at col. 2, lines 41-48 the distributed system that transmit data to a node which corresponds to the client that must include the distribution information provider) said

information distributor comprising: a first information filter that rates the distribution information from the first information distribution provider based on the at least one evaluation value included in the personal profile in correspondence to the keyword contained in the distribution information, sends the distribution information to the client (col. 1, lines 47-51 and col.3, line 43 to col. 4, line 6, Klein and col. 23, lines 20-28, Klein).

Klein, however, does not disclose “the evaluation value is calculated based upon a user’s past selection of distribution information containing the keyword. Ariyoshi, on the other hand, discloses an information filtering method including filtering, rating or evaluating keyword based on a user’s past selection of distribution information containing the keyword (abstract; summary and col. 4, lines 41-67 and col.5, lines 39-46, Ariyoshi). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Klein to include the claimed feature as taught by Ariyoshi. The motivation of doing so would have been to obtain the distribution information with higher accuracy (col. 2, lines 34-40, Ariyoshi).

Klein and Ariyoshi combination does not disclose the second filter that does not perform the learning process. Driscoll discloses an information filtering system for retrieving relevant text data from a database (abstract; Fig.1; col.3, line 53 to col.4, line 27 and col. 5, lines 44-50, Driscoll). Driscoll clearly disclose the filtering of text data in the database not based on the learning process. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the combination of Klein and Ariyoshi to include the claimed feature as taught by Driscoll. The motivation of doing so

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would have been to enhance the relevance retrieval of subsequent documents (abstract and col.4, lines 24-28, Driscoll).

Regarding claim 21, Klein/Ariyoshi combination discloses the information distribution system of claim 20, wherein said information distributor comprises a first information filter that rates said distribution information from said first information distribution provider based on said evaluation value registered in said personal profile in correspondence to said keyword contained in said distribution information, and sends said distribution information to the client, and a second information filter that rates said distribution information from said second information distribution provider based on said evaluation value registered in said personal profile in correspondence to said keyword contained in said distribution information, and sends said distribution information to the client (see col.1, lines 47-63 and co.3, lines 51-54, Klein discloses the filtering mechanism to filter the user content-based items from a domain or many domains at col.1, lines 47-63 and co.3, lines 51-54, Klein. Therefore, Klein teaches the plurality of filtering of the distribution information pieces from one or many different information providers).

Regarding claim 22, Klein/Ariyoshi combination discloses the information distribution system of claim 21, wherein said first information filter performs a learning process that changes said evaluation value of the keyword contained in said distribution information from said first information distribution provider in said personal profile, based on said distribution information and preference information of the client about said distribution information, and wherein said second information filter does not perform said learning process based on said distribution information from said second information distribution provider (col.1, lines 36-45; col. 3, lines 54-63 and col. 6, line 62 to col. 7, line 10, Klein discloses at the background that the distribution

information is extracted, filtered and reviewed by the reviewers whoever paid for the review but not establishing the learning process of how to perceive the interested movies).

Regarding claim 23, Klein/Ariyoshi combination discloses the information distribution system of claim 20, wherein said distribution information from said first information distribution provider comprises more keywords than said distribution information from said second information distribution provider (col.1, lines 47-63; col.4, lines 7-60; col. 5, lines 13-27, Klein).

Regarding claim 24, Klein/Ariyoshi combination discloses the information distribution system of claim 20, wherein said distribution information from said first information distribution provider comprises a newspaper article, and wherein said distribution information from said second information distribution provider comprises a product advertisement (col.31, lines 38-49, Klein).

7. Claims 25-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Klein et al. (US 5,872,850) of record in view of Ariyoshi (US 6,408,288 B1) of record.

Regarding claim 25, Klein discloses an information distribution apparatus, comprising:

- a first information filter that stores a personal profile in which at least one evaluation value of a keyword is learned in advance based on preference information, rates distribution information from the first information distribution provider with a keyword based on the personal profile, and sends the distribution information to a client (col. 1, lines 47-51 and col.3, line 43 to col. 4, line 6, Klein and col. 23, lines 20-28, Klein discloses the filtering mechanism to filter the user content-based items from a domain or many domains at col.1, lines 47-63 and co.3, lines 51-54, Klein. Therefore, Klein teaches the plurality of

filtering of the distribution information pieces from one or many different information providers. Klein further discloses at the background that the distribution information is extracted, filtered and reviewed by the reviewers whoever paid for the review but not establishing the learning process of how to perceive the interested movies).

Klein, however, does not disclose the second filter that does not perform the learning process. Ariyoshi, on the other hand, discloses an information filtering method including filtering, rating or evaluating keyword based on a user's past selection of distribution information containing the keyword (abstract; summary and col. 4, lines 41-67 and col.5, lines 39-46, Ariyoshi). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Klein to include the claimed feature as taught by Ariyoshi. The motivation of doing so would have been to obtain the distribution information with higher accuracy (col. 2, lines 34-40, Ariyoshi).

Regarding claim 26, Klein discloses an information distribution method, comprising:

- storing a personal profile at a first information filter in which at least one evaluation value of a keyword is learned in advance based on preference information (step 102, Fig1 and col.3, lines 43-50, Klein);
- having the first information filter rate distribution information provided from a first information distribution provider with a keyword based on a personal profile that includes at least one evaluation value of the keyword (col.1, lines 47-63; col. 2, lines 41-48; col.3, lines 43-50; col.4, lines 7-60 and col.5, lines 2-27, Klein).

Klein, however, does not disclose having second filter rate distribution information.

Ariyoshi, on the other hand, discloses an information filtering method including filtering, rating or evaluating keyword based on a user's past selection of distribution information containing the keyword (abstract; summary and col. 4, lines 41-67 and col.5, lines 39-46, Ariyoshi). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Klein to include the claimed feature as taught by Ariyoshi. The motivation of doing so would have been to obtain the distribution information with higher accuracy (col. 2, lines 34-40, Ariyoshi).

Regarding claim 27, Klein/Ariyoshi combination discloses the information distribution method of claim 26, further comprising: rating the distribution information from the second information distribution provider based on the evaluation value registered in the personal profile in correspondence to the keyword contained in the distribution information (col.1, lines 47-63; col.4, lines 7-60; col. 5, lines 13-27, Klein).

Regarding claim 28, Klein/Ariyoshi combination discloses the information distribution method of claim 26, further comprising: performing a learning process that changes the evaluation value of the keyword contained in the distribution information from the first information distribution provider in the personal profile, based on the distribution information and preference information of the client about the distribution information; and not performing the learning process based on the distribution information from the second information distribution provider (col.3, line 43 to col. 4, line 6 col. 6, line 62 to col. 7, line 10 and col. 5, lines 13-27. Klein discloses the system that stores user and item information including keywords in profiles and learns what item the user is interested in have to change the evaluation value.

Klein further discloses at the background that the distribution information is extracted, filtered and reviewed by the reviewers whoever paid for the review but not establishing the learning process of how to perceive the interested movies).

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hanh B. Thai whose telephone number is 571-272-4029. The examiner can normally be reached on 8 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on 571-272-4023. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Hanh B Thai
Examiner
Art Unit 2163

January 13, 2006



UYEN LE
PRIMARY EXAMINER